

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for Eurobank,

Plaintiff,

v.

RAFAEL ARRILLAGA-TORRÉNS, JR.; et al.,

Defendants,

Case No. 13-01328

Gross Negligence,
Declaratory
Judgment, Damages

LIBERTY MUTUAL INSURANCE COMPANY

Counter-Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for Eurobank,

Counter-Defendant.

LIBERTY MUTUAL INSURANCE COMPANY

Cross-Plaintiff,

v.

RAFAEL ARRILLAGA-TORRÉNS, JR.; et al.,

Cross-Defendants.

**LIBERTY MUTUAL INSURANCE COMPANY'S UNOPPOSED MOTION FOR LEAVE TO
FILE REPLY IN SUPPORT OF ITS MOTION FOR JUDGMENT ON THE
PLEADINGS AND EXTENSION OF TIME UNTIL JANUARY 10, 2014 TO DO SO**

TO THE HONORABLE COURT:

COMES NOW, co-defendant Liberty Mutual Insurance Company ("Liberty"), by and through its undersigned legal counsel, and respectfully STATES and PRAYS as follows:

1. On October 17, 2013, Liberty filed a Motion for Judgment on the Pleadings. (**Docket #73.**)

2. On October 30, 2013, the FDIC and Director Defendants filed separate Motions for Extension of Time, requesting that the Court grant them until November 22, 2013 within which to respond to Liberty's Motion for Judgment on the Pleadings. (**Docket #81 and #82**)

3. Subsequently, with Liberty's prior agreement, the FDIC and the Director Defendants requested until December 3, 2013, to file their respective responses to Liberty's Motion for Judgment on the Pleadings. (**Docket #86 and #87**).

4. The FDIC and the Director Defendants filed their responses to Liberty's Motion for Judgment on the Pleadings on December 2, 2013 and December 3, 2013, respectively. (**Docket #88 and Docket #92**).

5. Rule 7(c) of the Local Rules of Civil Procedure of the United States District Court for the District of Puerto Rico allows seven (7) days for a moving party to file its reply memorandum in support of its motion, with prior leave of the Court. Therefore, Liberty's reply memoranda in support of its Motion for Judgment on the Pleadings would be due December 12, 2013 and December 13, 2013 (taking into consideration the additional three (3) days provided by Rule 6(d) of the Federal

Rules of Civil Procedure in cases of electronic service).

6. Liberty respectfully submits that the arguments presented by the FDIC and the Director Defendants in their oppositions to Liberty's Motion for Judgment on the Pleadings are flawed and inapposite. Therefore, Liberty understands that the Court would benefit from the filing of reply memoranda to each opposing brief discussing the factual and legal contentions that support the denial of the FDIC's and the Director Defendants' oppositions. Accordingly, Liberty hereby requests that this Honorable Court grant it leave to file a reply to each of the FDIC's and the Director Defendant's responses to its Motion for Judgment on the Pleadings.

7. Due to the complexity of the issues raised by Liberty in its motion and the fact that it will need to reply to two (2) separate responses to that motion, Liberty, the FDIC and the Director Defendants recognize that seven (7) days will be an inadequate amount of time for Liberty to analyze the briefs and prepare appropriate replies thereto.

8. Therefore, in addition to stipulating the December 3, 2013 deadline for the FDIC and the Director Defendants to respond to the Motion for Judgment on the Pleadings, counsel for Liberty and counsel for the FDIC and Director Defendants also agreed for Liberty to file its replies in support of its Motion

for Judgment on the Pleadings on or before January 10, 2014.¹
(See, **Docket #86**).

9. In light of the foregoing, it is respectfully requested of this Honorable Court that it grant Liberty until **January 10, 2014** to file its replies to the FDIC's and the Director Defendant's responses to its Motion for Judgment on the Pleadings.

WHEREFORE, it is respectfully requested that this Honorable Court grant Liberty's Unopposed Motion for Leave to File Reply in Support of its Motion for Judgment on the Pleadings and Extension of Time to Do So; and that it grant until Liberty until January 10, 2014, to file the aforementioned replies.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 10th day of December, 2013.

CERTIFICATE OF SERVICE: We hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

¹ Defendant/Cross-Defendant, Rafael Arrillaga-Torrens, Jr., failed to timely file a response to Liberty's Motion for Judgment on the Pleadings or a motion in lieu thereof, and therefore waived any opposition to Liberty's Motion for Judgment on the Pleadings.

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